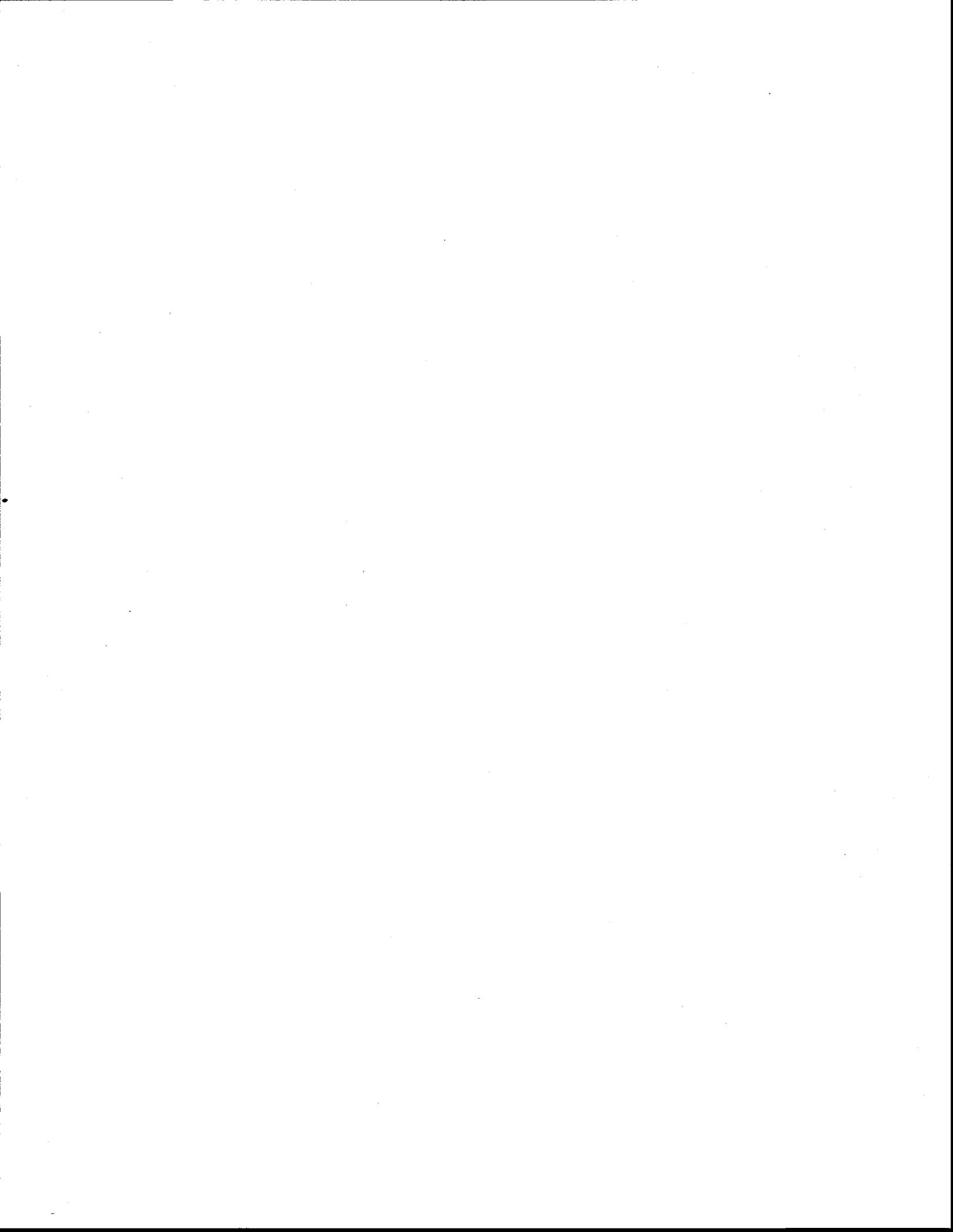


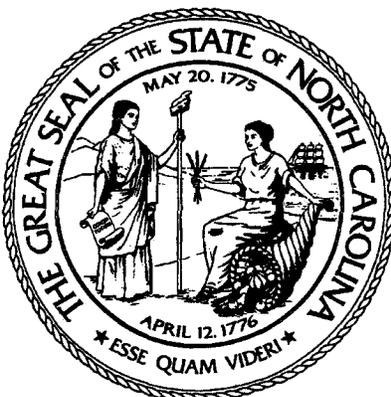
# LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

Assessment Report  
for

## Estheticians

**Senate Bill 916**  
**Senate Bill 1042**  
**House Bill 1056**





## LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

May 19, 1997

The Legislative Committee on New Licensing Boards is pleased to release this assessment report on the licensing of estheticians. This report constitutes both the preliminary and final assessment report.

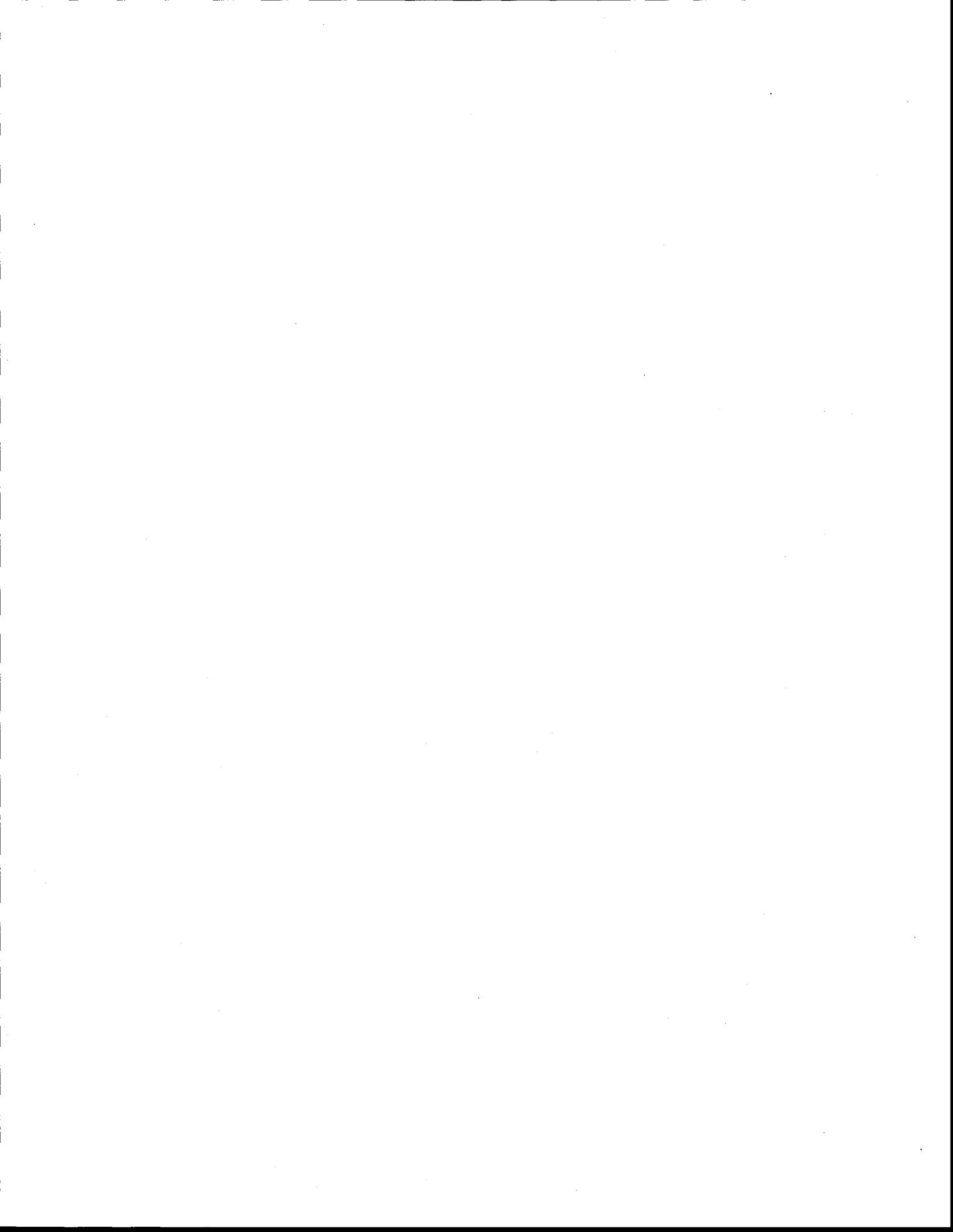
A handwritten signature in cursive script that reads "W. F. Mitchell".

Representative Frank Mitchell, Chairman

A handwritten signature in cursive script that reads "Linwood Jones".

Prepared by:

Linwood Jones, Counsel



**LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS**

Rep. Frank Mitchell, Chairman

Senator Fletcher Hartsell

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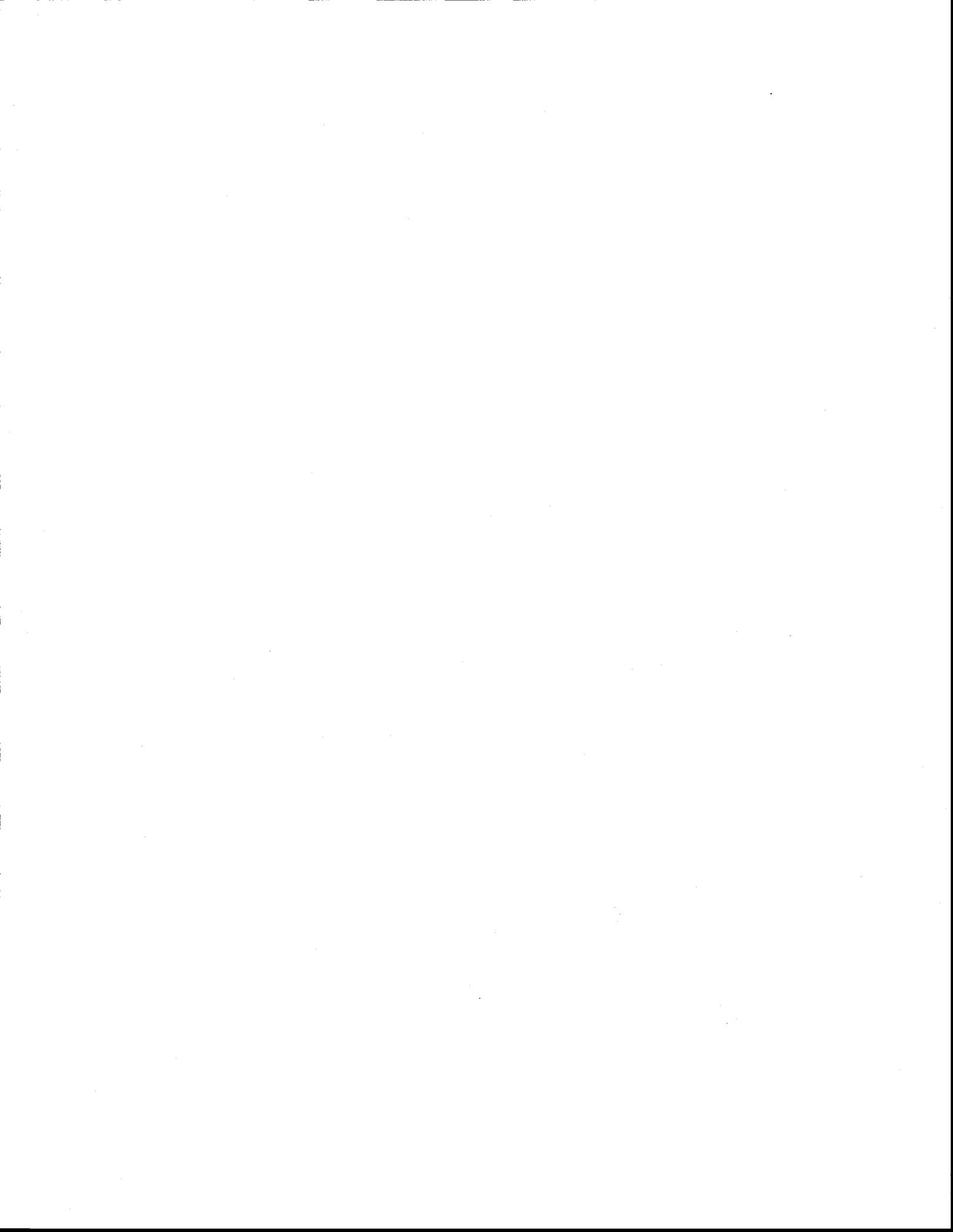
Representative Gene Wilson

Senator Allen Wellons

Representative Douglas Yongue

Counsel: Mr. Linwood Jones  
Mrs. Linda Attarian

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## **PREFACE**

The Legislative Committee on New Licensing Boards is a 9-member joint committee of the House and Senate created and governed by statute (Article 18A of Chapter 120 of the General Statutes). The primary purpose of the Committee is to evaluate the need for a new licensing board or the proposed licensing of previously unregulated practitioners by an existing board. The Committee has been in existence since 1985.

The Committee solicits written and oral testimony on each licensing proposal in carrying out its duty to determine whether the proposal meets the following criteria:

- (1) Whether the unregulated practice of the profession can substantially endanger the public health, safety, or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- (2) Whether the profession possesses qualities that distinguish it from ordinary labor.
- (3) Whether practice of the profession requires specialized skill or training.
- (4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence.
- (5) Whether the public can effectively be protected by other means.
- (6) Whether licensure would have a substantial adverse economic impact upon consumers of the practitioner's good or services.

The Committee issues an assessment report on its findings and recommendations. The recommendation in the report is not binding on other committees considering the proposal.



## **Estheticians**

Currently, a person that practices esthetics in North Carolina must hold a cosmetology license. A cosmetology license requires 1600 hours of cosmetology training and successful completion of the cosmetology exam. Esthetics involves the use of skin care, makeup artistry, facials, and body waxing to enhance the appearance of the face, neck, arms, legs, or shoulders of a person. (It does not include the application of permanent makeup).

There are three proposals pending to create a separate license for persons wanting to practice esthetics (Senate Bill 916, House Bill 1056, and Senate Bill 1042). Creation of a separate license, with a curriculum and training focused on esthetics, would relieve estheticians of the more stringent requirements of a cosmetologist license. The hours vary in the three bills, but generally fall within the 500 to 600 hour range. An examination would also be required.

Because these proposals actually reduce the licensure requirements for an esthetician from the 1600 hours required for a cosmetology license to approximately 600 hours for an esthetician license, they do not clearly fall within the review jurisdiction of the Legislative Committee on New Licensing Boards. The Committee generally reviews only those proposals that license persons who were not previously required to have a license. Nevertheless, because one of the bills -- Senate Bill 916 -- includes a provision on manicurists that brought it

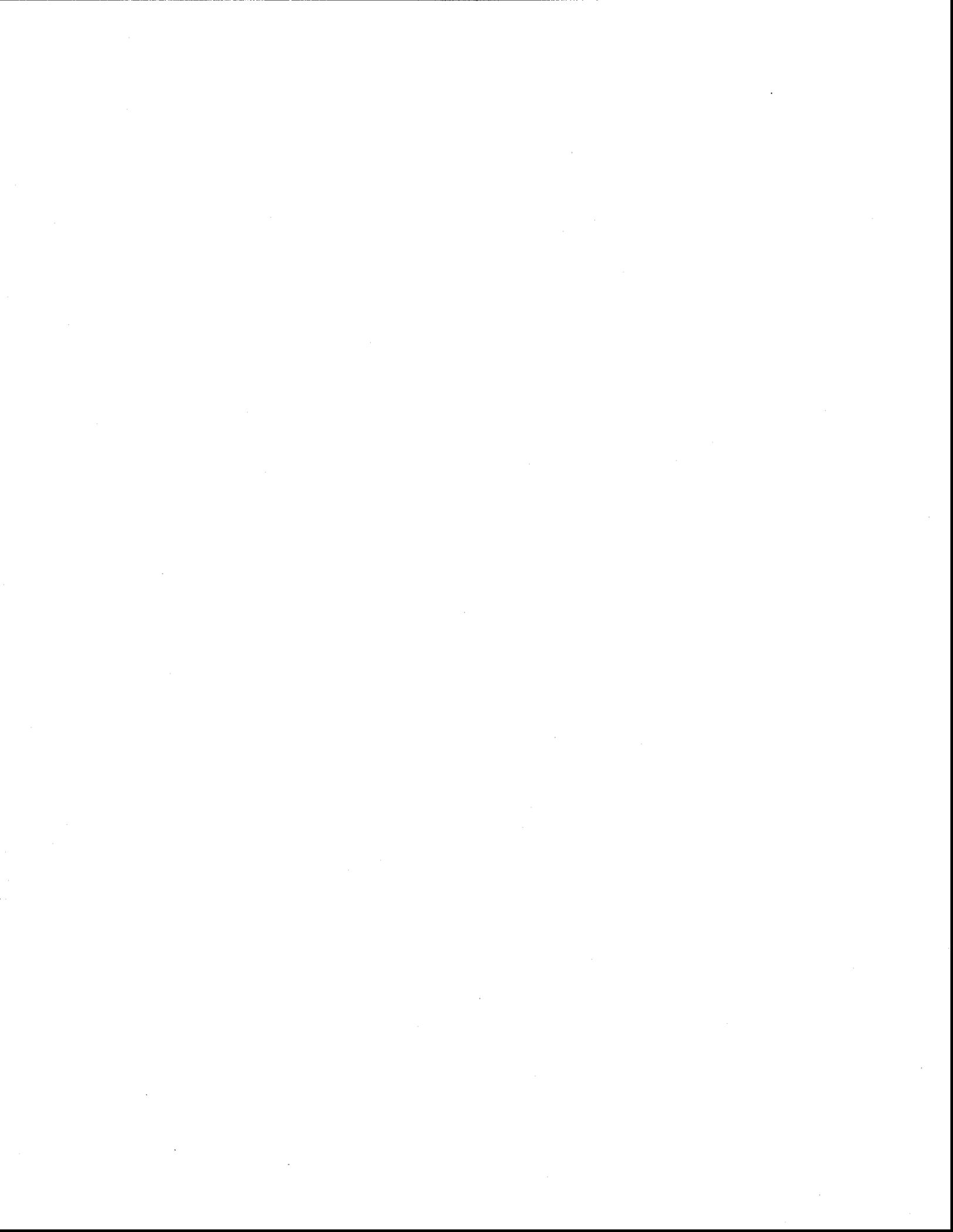
within the jurisdiction of the Committee, it was decided that it would be prudent to review all esthetician bills while Senate Bill 916 was pending before the Committee.

To the extent the statutory review criteria used by the Legislative Committee on New Licensing Boards are applicable, the Committee finds as follows:

- (1) The unregulated practice of the profession can substantially harm or endanger the public health, safety, or welfare, and the potential for such harm is recognizable and not remote nor dependent upon tenuous argument.
- (2) The practice of the profession possesses qualities that distinguish it from ordinary labor.
- (3) The practice of the profession requires specialized skill and training.
- (4) A substantial majority of the public does not have the knowledge or experience to evaluate the practitioner's competence.
- (5) The public cannot be effectively protected by other means.
- (6) Licensure would not have a substantial adverse economic impact upon consumers.

The Legislative Committee on New Licensing Boards recommends the creation of a separate esthetician license. This assessment report constitutes both the preliminary and the final assessment report for the licensing of estheticians.

The report is based on the proposed licensing of estheticians as set out in Senate Bill 916, Senate Bill 1042, and House Bill 1056, the response to the Committee's questionnaire (attached), and testimony before the Committee on May 12, 1997.



# ESTHETICIANS

North Carolina State  
Board of Cosmetology



April 25, 1997

TO: Legislative Committee on New Licensing Boards

FROM: Douglas H. Van Essen *Douglas H. Van Essen*  
Executive Secretary

SUBJECT: Questionnaire (Estheticians)

As requested, here are our responses to your questionnaire as they pertain to estheticians:

1. In what ways has the marketplace failed to regulate adequately the profession or occupation?

The Board currently regulates only those estheticians practicing esthetics under a cosmetologist license. Licensed cosmetologists not only are trained in esthetics, but also in hair care and manicuring. There is a separate manicurist license now in effect, with its own training and sanitation requirements, however, if an individual wants to practice only esthetics, they must complete the entire 1500 hour cosmetology curriculum. The estheticians community feels this is an unfair situation that can be best corrected with a separate estheticians license, coupled with a 600 hour esthetics school curriculum and an estheticians exam. The Cosmetic Arts Board unanimously agrees with this position.

2. Have there been any complaints about the unregulated profession or occupation?

Greatest concern is from the esthetics industry itself over the current licensing situation. A reduced training requirement and a separate license would clearly enhance this profession.

3. In what ways has the public health, safety, or welfare sustained harm or is in imminent danger of harm because of the lack of state regulation?

No public harm has been sustained from the current licensing statutes.

4. Is there potential for substantial harm or danger by the profession or occupation to the public health, safety, or welfare? How can this potential for substantial harm or danger be recognized?

No potential harm is expected.

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5. Has the potential harm or danger to the public been recognized by other states or the federal government through the licensing or certification process?

Currently 38 states and the District of Columbia license the estheticians within their state. In 1994, New York State established a separate esthetics license. Attached is an article outlining the requirements for esthetics licensing in New York.

6. What will be the economic advantage of licensing to the public?

No economic advantage expected.

7. What will be the economic disadvantage of licensing to the public?

No economic disadvantage noted.

8. What will be the economic advantages of licensing to the practitioners?

School curriculum devoted only to the esthetics field (600 hours) will substantially reduce tuition costs for the student and allow the individual to obtain employment far earlier than before. Additionally, the student would not be wasting their time learning a profession (hair care or manicuring) they have no intention of practicing. The esthetics community is unanimous in their support for a separate estheticians license.

9. What will be the economic disadvantages of licensing to the practitioners?

No economic disadvantages noted.

10. Please give other potential benefits to the public of licensing that outweigh the potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.

The establishment of a separate license should increase the number of estheticians in the State. It would follow that an increase in practitioners will lower the cost of esthetic services in a free market economy. Fair competition will consequently improve the economic health of an expanding esthetic salon market.

11. Please detail the specific specialized skills or training that distinguish the occupation or profession from ordinary labor.

Specialized skills of the esthetician include facials, facial massages, paraffin treatments, glycolic acid treatments, exfoliating facial and body treatments, body wraps, cellulite treatments, makeup application, and paramedical camouflage makeup.

12. What are the other qualities of the profession or occupation that distinguish it from ordinary labor?

Estheticians use cosmetic products, which may contain potentially harmful chemicals, on their clients. Improper application of these products could impose a health threat to the consumer. Therefore, the esthetician must be properly trained in all aspects of esthetics. Additionally, knowledge of skin care and skin disorders is imperative to properly maintain skin and address skin problems. Providing education to clients on daily skin care is done on a regular basis.

13. Will licensing requirements cover all practicing members of the occupation or profession?

Yes.

14. What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

There are approximately 2,000 estheticians who would be initially examined and licensed under this statute with an additional 500 to 800 students examined and licensed each year. We are unable to determine the approximate number of consumers who utilize esthetic services in the State.

15. What kind of knowledge or experience does the public need to evaluate the services offered by the practitioner?

The estheticians license provides the proof needed by the public to ensure Board approved training and sanitation techniques are utilized by the license holder.

16. Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service?

There is an established code of ethics within the esthetics profession. Ethics are an integral part of the current cosmetology school curriculum and would continue to be part of an esthetics school curriculum. Additionally, many estheticians are voluntarily involved in continuing education programs throughout the country. Topics for continuing education include new techniques for skin care, hair removal, and sanitation.

# NEW YORK STATE ANNOUNCES SEPERATE ESTHETICS LICENSE

By Annette Hanson

**AS** of July 5, 1994, New York State has created its own Esthetics License separate from that of hairdressing and cosmetology. The following parameters will apply to licensing requirements.

## Existing License:

Anyone currently in possession of a "Hairdressing and Cosmetology License" is allowed to continue practicing esthetics. (License must be renewed within five years of the expiration date or the individual must be required to pass another written exam.)

## First-time applicants for the Esthetics License:

### Education and Examination

Applicants for an esthetics license must prove their successful completion of an approved course of study in esthetics consisting of at least 600 hours. When the application is approved, an admission card for the written examination is issued. Once the written examination is passed, the practical examination is scheduled.

### New York State Education Credit

Applicants who have studied esthetics in New York State or elsewhere, but have not completed 600 hours of study, or its equivalent, must have their transcripts, hours and curriculum reviewed by the Director or Principal of an approved school.

### Temporary License

A temporary license is available to applicants who finish the 600 hour curriculum and want to start working while completing the examination process. This temporary license will expire in six months from issuance. A second temporary license will not be issued without proof that the applicant has passed the relevant written examination in these six months; otherwise, one must retake the written examination and pass both it and the practical examination. Two temporary licenses are the maximum that will be issued to any individual.

### Grandparenting Clause

Anyone who has been practicing esthetics in New York State (without a New York State license) for at least one year prior to July 5, 1994 is now eligible to apply for an esthetics license and be "grandparented in" without any examination or further education. To qualify, one will need to submit:

- social security number or federal identification number,
- W-2s, 1099s or income tax returns (if self-employed) for the year(s) of claimed experience; And two of the following documents:
  - statements from employers,
  - statements from customers,
  - school certificates,
  - membership documents from trade associations,
  - and any other documents that will support the claimed experience.

**NOTE: Estheticians have only ONE YEAR (until July 5, 1995) to apply for licensure under the grandparenting clause!**

## Non-New York State Experience

Any individual having five years experience in an occupation equivalent to what New York State classifies as esthetics may obtain a New York State license without examination or education upon acceptance of satisfactory evidence of experience. This would apply to practitioners from other states or countries that do not currently license estheticians.

If the equivalent occupation is licensed by the jurisdiction (state or country of claimed experience), applicants must submit the following:

- social security number or federal identification number,
- W-2s, 1099s or income tax returns for each of the five years claimed as experience (similar documentation must be provided for jurisdictions other than the U.S.A.),
- statement(s) from employers and/or customers indicating five year's experience,

a certificate indicating that the applicant has held a valid license for five years, and any other documents that will support the five years claimed experience.

If the equivalent occupation is not licensed by the jurisdiction (state or country of claimed experience), all of the above documentation except certification of licensure, must be submitted.

## Reciprocity

New York State is in the process of establishing reciprocity agreements with other states. If another state elects to extend reciprocity to licensees of New York State; and if the standards of that state are equal to those of New York State; reciprocity may be established, subject to approval by the Department of State.

To obtain an application form for the New York Esthetics License call Atelier Esthetique at 800-626-1242.

**NOTE: Nail salons can no longer perform waxing services unless the operator holds a cosmetology or esthetics license.**

Annette Hanson is president of Atelier Esthetique, a highly respected post-graduate esthetic training center. She has been instrumental in developing the 600 hour curriculum and examination for the new Esthetics License. As Esthetics Advisor to the Appearance Enhancement Subcommittee for the New York State Department of State, she has been working closely with the Division of Licensing to ensure high professional standards.

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